

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NICHOLAS PARKER, on behalf of himself and all others similarly situated Plaintiff, vs. UNITED INDUSTRIES CORPORATION, Defendant.	CASE NO. 17-CV-5353-GBD JUDGE GEORGE B. DANIELS DECLARATION OF MICHAEL J. RUTTINGER IN SUPPORT OF MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION, APPOINTMENT OF CLASS REPRESENTATIVE, AND APPOINTMENT OF CLASS COUNSEL
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I, MICHAEL J. Ruttinger, declare as follows:

1. I am an attorney admitted to practice law in the State of Ohio and have been admitted *pro hac vice* in this action. I am an attorney at the law firm of Tucker Ellis LLP and counsel for Defendant United Industries Corporation (“UIC”) in this action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify to the matters contained in this Declaration.
2. Attached as Exhibit A is a true and correct copy of excerpts from the December 19, 2018 Deposition of Mr. Stephen Schwallie.
3. Attached as Exhibit B is a true and correct copy of a Declaration executed by UIC’s expert witness in this matter, Dr. William A. Donahue, dated March 21, 2019 and disclosed to Plaintiff pursuant to Federal Rule of Civil Procedure 26(a)(2).
4. Attached as Exhibit C is a true and correct copy of a Rebuttal Declaration executed by UIC’s expert witness in this matter, Dr. Denise Martin, dated April 15, 2019, which is being disclosed to Plaintiff consistent with Federal Rule of Civil Procedure 26(a)(2).

5. Attached as Exhibit D is a true and correct copy of a Declaration executed by UIC's Senior Director of Research and Development, Kathleen Cernal, dated April 11, 2019.

6. Attached as Exhibit E is a true and correct copy of excerpts from the December 18, 2018 Deposition of Mr. Travis Wood.

7. Attached as Exhibit F is a true and correct copy of excerpts from the December 20, 2018 Deposition of Ms. Kathleen Cernal.

8. Attached as Exhibit G is a true and correct copy of a Rebuttal Declaration executed by UIC's expert witness in this matter, Dr. William A. Donahue, dated April 15, 2019, which is being disclosed to Plaintiff consistent with Federal Rule of Civil Procedure 26(a)(2).

9. Attached as Exhibit H are true and correct copies of Declarations executed by two consumers of Cutter Natural Insect Repellent, including the Declaration of Amy L. Applebaum, dated April 11, 2019, and the Declaration of Jennifer Stansbury, dated April 10, 2019.

10. Attached as Exhibit I are true and correct copies of subpoenas issued by the Parties in this action to Consumers Union, the entity that publishes Consumer Reports. The parties attempted to subpoena documents and information from the Consumers Union, but the company refused to comply with either subpoena.

11. Attached as Exhibit J is a true and correct copy of excerpts from the February 22, 2018 Deposition of Plaintiff Nicholas Parker.

12. Attached as Exhibit K are true and correct copies of the label for Cutter Natural Insect Repellent.

13. Attached as Exhibit L is a true and correct copy of the Declaration of Colin Weir, dated March 21, 2019.

VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th Day of April, 2019, in Cleveland, Ohio.



Michael J. Ruttinger